

IN THE COURT OF APPEALS OF THE STATE OF IDAHO

Docket No. 36178

STATE OF IDAHO,)	2009 Unpublished Opinion No. 609
)	
Plaintiff-Respondent,)	Filed: September 16, 2009
)	
v.)	Stephen W. Kenyon, Clerk
)	
JOSEPH AUGUSTINE MOYER,)	THIS IS AN UNPUBLISHED
)	OPINION AND SHALL NOT
Defendant-Appellant.)	BE CITED AS AUTHORITY
)	

Appeal from the District Court of the Sixth Judicial District, State of Idaho, Oneida County. Hon. David C. Nye, District Judge.

Order denying motion to reduce conviction to a misdemeanor, affirmed.

Molly J. Huskey, State Appellate Public Defender; Eric D. Fredericksen, Deputy Appellate Public Defender, Boise, for appellant.

Hon. Lawrence G. Wasden, Attorney General; Elizabeth A. Koeckeritz, Deputy Attorney General, Boise, for respondent.

Before PERRY, Judge; GUTIERREZ, Judge;
and GRATTON, Judge

PER CURIAM

Joseph Augustine Moyer pled guilty to sexual abuse of a minor. I.C. § 18-1506. In exchange for his guilty plea, an additional charge was dismissed. The district court sentenced Moyer to a unified term of five years, with a minimum period of confinement of two years, but retained jurisdiction. After successful completion of his rider, Moyer was placed on probation. Moyer filed a motion to set aside his felony conviction and reduce it to a misdemeanor, which the district court denied. Moyer appeals.

On appeal, however, Moyer correctly concedes that I.C. § 19-2406 does not allow for his particular conviction to be reduced to a misdemeanor. Therefore, he has shown no error in the district court's denial of Moyer's motion. Accordingly, the district court's order denying Moyer's motion to reduce his conviction to a misdemeanor is affirmed.